

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE MAY 23, 2006

AMENDED IN ASSEMBLY JANUARY 4, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1207

Introduced by Assembly Member Yee

(Principal coauthors: Senators Bowen, Kuehl, and Migden)

**(Coauthors: Assembly Members ~~Koretz and Laird~~ Hancock,
Koretz, Laird, Pavley, and Wolk)**

February 22, 2005

An act to amend Section 20440 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1207, as amended, Yee. Code of Fair Campaign Practices.

Existing law requires that, at the time an individual is issued his or her declaration of candidacy, nomination papers, or other paper evidencing an intention to be a candidate for public office, the elections official provide the individual with a form that the individual may voluntarily sign, titled the "Code of Fair Campaign Practices." Among other things, the Code of Fair Campaign Practices sets forth specified conduct in which the individual pledges not to engage in his or her election campaign.

This bill would revise the pledge contained in the Code of Fair Campaign Practices to provide that the individual shall not, in the conduct of his or her campaign, use a candidate's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, ~~sex,~~

age, sexual orientation, *sex, including gender identity*, or any other specified characteristic.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares both of the
2 following:

3 (a) The Legislature encourages meaningful discussion and
4 debate in campaigns about policies and relevant issues, including
5 ones that may be controversial, and supports candidates' free
6 expression of their views on policies and relevant issues during
7 the course of a campaign.

8 (b) The Legislature is concerned about the use of prejudice or
9 appeals to prejudice in campaigns, especially when the prejudice
10 or appeals to prejudice manifest themselves in explicit or subtle
11 personal attacks based on a candidate's race, religious creed,
12 color, national origin, ancestry, physical disability, mental
13 disability, medical condition, marital status, ~~sex~~, age, sexual
14 orientation, *sex, including gender identity*, or any other
15 characteristic set forth in Section 12940 of the Government
16 Code, or association with another person who has any of the
17 actual or perceived characteristics set forth in Section 12940 of
18 the Government Code.

19 SEC. 2. Section 20440 of the Elections Code is amended to
20 read:

21 20440. At the time an individual is issued his or her
22 declaration of candidacy, nomination papers, or any other paper
23 evidencing an intention to be a candidate for public office, the
24 elections official shall give the individual a blank form of the
25 code and a copy of this chapter. The elections official shall
26 inform each candidate for public office that subscription to the
27 code is voluntary.

28 In the case of a committee making an independent expenditure,
29 as defined in Section 82031 of the Government Code, the
30 Secretary of State shall provide a blank form and a copy of this
31 chapter to the individual filing, in accordance with Title 9
32 (commencing with Section 81000) of the Government Code, an
33 initial campaign statement on behalf of the committee.

1 The text of the code shall read, as follows:

2 “CODE OF FAIR CAMPAIGN PRACTICES

3 There are basic principles of decency, honesty, and fair play
4 which every candidate for public office in the State of California
5 has a moral obligation to observe and uphold; in order that, after
6 vigorously contested; but fairly conducted campaigns, our
7 citizens may exercise their constitutional right to a free and
8 untrammelled choice and the will of the people may be fully and
9 clearly expressed on the issues.

10 THEREFORE:

11 (1) I SHALL CONDUCT my campaign openly and publicly,
12 discussing the issues as I see them, presenting my record and
13 policies with sincerity and frankness, and criticizing without fear
14 or favor the record and policies of my opponents or political
15 parties that merit this criticism.

16 (2) I SHALL NOT USE OR PERMIT the use of character
17 defamation, whispering campaigns, libel, slander, or scurrilous
18 attacks on any candidate or his or her personal or family life.

19 (3) I SHALL NOT USE OR PERMIT any appeal to negative
20 prejudice based on a candidate’s actual or perceived race,
21 religious creed, color, national origin, ancestry, physical
22 disability, mental disability, medical condition, marital status,
23 ~~sex, age, sexual orientation~~ *age, sexual orientation, sex,*
24 *including gender identity*, or any other characteristic set forth in
25 Section 12940 of the Government Code, or association with
26 another person who has any of the actual or perceived
27 characteristics set forth in Section 12940 of the Government
28 Code.

29 (4) I SHALL NOT USE OR PERMIT any dishonest or
30 unethical practice that tends to corrupt or undermine our
31 American system of free elections, or that hampers or prevents
32 the full and free expression of the will of the voters including
33 acts intended to hinder or prevent any eligible person from
34 registering to vote, enrolling to vote, or voting.

35 (5) I SHALL NOT coerce election help or campaign
36 contributions for myself or for any other candidate from my
37 employees.

38 (6) I SHALL IMMEDIATELY AND PUBLICLY
39 REPUDIATE support deriving from any individual or group that
40 resorts, on behalf of my candidacy or in opposition to that of my

1 opponent, to the methods and tactics that I condemn. I shall
2 accept responsibility to take firm action against any subordinate
3 who violates any provision of this code or the laws governing
4 elections.

5 (7) I SHALL DEFEND AND UPHOLD the right of every
6 qualified American voter to full and equal participation in the
7 electoral process.

8 I, the undersigned, candidate for election to public office in the
9 State of California or treasurer or chairperson of a committee
10 making any independent expenditures, hereby voluntarily
11 endorse, subscribe to, and solemnly pledge myself to conduct my
12 campaign in accordance with the above principles and practices.”
13

14 _____
15 Date

Signature
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